

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-093494

03/16/2010

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT

M. Kay

Deputy

IN RE THE MATTER OF
TIA CHRISTINE COOK

TIA CHRISTINE COOK
15716 E CHAPALA ST
GILBERT AZ 85234

AND

ADAM S LOSNEGARD

MICHELLE KUNZMAN

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Father filed a Petition for Modification of Custody in April 2009 based on his relocation to the State of Washington. Mother remained in Arizona with the minor child, Cole (DOB: 9/6/2006). The prior custody order was entered by "default" against Father in December 2006 and granted Mother sole legal custody with Father to exercise supervised parenting time.

THE COURT FINDS that Father did not have notice of this default order until about March 2009 and that the parties continued to live together with the child until the time immediately preceding Father's relocation to Washington.

A Temporary Orders Evidentiary Hearing commenced on August 20, 2009 and although not completed, the Court found it appropriate to require unsupervised parenting time between the minor child and Father in Arizona and in the State of Washington. The Evidentiary Hearing was completed on September 24, 2009 and based on the Court's inclinations, the parties were able to reach agreements relating to Father's access, support and transportation costs. The agreement was accepted per Rule 69, A.R.F.L.P.

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Trial for purposes of final orders began on December 18, 2009 and concluded on February 9, 2010. The matter was taken under advisement to allow the Court an opportunity to consider further the evidence and testimony presented. Much of what was presented at trial was substantially the same as was presented at the Evidentiary Hearing. However, the Court notes that the parties demonstrated an ability to comply with the Court's order relating to Father's long distance parenting plan.

As a preliminary matter,

IT IS ORDERED affirming the findings, inclinations and orders set forth on the record on December 18, 2009 and February 9, 2010.

IT IS ORDERED granting Mother sole legal custody of the minor child. However, Father shall have equal access to all medical, daycare and educational records of the child.

IT IS FURTHER ORDERED that Father may seek a second medical opinion on any issue regarding the minor child with Father to bear the costs associated with the evaluation subject to further allocation.

Regarding Father's parenting time; for reasons expressed on the record and because of the minor child's medical issues,

IT IS ORDERED denying Father's request for substantially equal parenting time.

IT IS FURTHER ORDERED that Father may exercise one unsupervised overnight parenting time weekend per month in Arizona commencing any time after Friday at noon and continuing through Monday at noon. Father is to provide Mother with at least 16 days written notice of his intent to exercise this parenting time. Father shall be responsible for all costs associated with the parenting time.

IT IS FURTHER ORDERED that for each weekend Father spends with the minor child in Arizona, he is entitled to 7 days parenting time in Washington (including time for transportation). Father shall provide Mother with 16 days written notice of his intent to exercise this parenting time. Father and Mother shall bear equally the cost of transporting the minor child for these visits but shall pay their own travel costs and expenses.

IT IS FURTHER ORDERED affirming the tax exemption order of December 21, 2006 with Mother having even-numbered years and Father having odd-numbered years.

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IT IS FURTHER ORDERED that Father is entitled to at least 2 weeks of uninterrupted parenting time in summer 2010 and 4 weeks in 2011 and thereafter in the state of Washington. Further, the parents will alternate the major holidays of Thanksgiving and Christmas by agreement. If the parties are unable to reach agreements, Mother will have final decision making authority in 2010 and Father in 2011. If further disputes are not resolved by the parties, they may request mediation through the Court. Alternatively, the Court will appoint a Parenting Coordinator with costs to be shared equally by the parties.

Mother shall not interfere with Father's parenting time. Father's spouse and the paternal grandparents are appropriate daycare providers during Father's parenting time. The maternal grandmother is not to participate in exchanges of the minor child.

For purposes of calculating child support,

THE COURT FINDS that Father's income is \$3,464.00; Mother is attributed income at \$3,640.00. Father pays child support for 2 other children at \$973.00 per month; Mother is entitled to an adjustment for the support of one other minor child. Mother is responsible for medical insurance at \$56.91 per month. After reviewing the record, the Court finds no competent evidence to support a further adjustment for daycare costs. Father is entitled to a parenting time adjustment of 100 days.

IT IS ORDERED that Father's child support obligation of \$270.19 is effective April 1, 2010. The temporary support obligation of \$600.00 is effective through March 31, 2010.

IT IS FURTHER ORDERED that the parties shall pay unreimbursed medical expenses proportionate to their support obligation. Father shall be responsible for 46% and Mother shall be responsible for 54% of the expenses.

IT IS FURTHER ORDERED denying all other requests for relief. Each party is to bear their own costs and fees.

IT IS FURTHER ORDERED that the requirements of Rule 81 are waived and this minute entry is signed as the formal written Order of this Court.

FILED: Child Support Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

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Attachments:

MICHELLE KUNZMAN: Non IV-D Payment Instructions

March 17, 2010
Date

/ s / HONORABLE DAVID M. TALAMANTE

JUDICIAL OFFICER OF THE SUPERIOR COURT